IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 499 of 1993

For Approval and Signature:

        Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed   : YES
   to see the judgements?

2. To be referred to the Reporter or not?   : NO

3. Whether Their Lordships wish to see the fair copy   : NO
   of the judgement?

4. Whether this case involves a substantial question   : NO
   of law as to the interpretation of the Constitution
   of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?   : NO

   SATYANARAYAN RADHAKISHAN
Versus
   RELIANCE TEXTILE INDUSTRIES   LTD & ORS

   Appearance:
        MR KV SHELAT for Petitioners
        MR HJ SHAH for Respondent No. 1

        CORAM : MR.JUSTICE J.R.VORA

   Date of decision: 21/12/2000

   ORAL JUDGEMENT

   1. Heard the learned Advocate Mr. K.V. Shelat for
   appellants original plaintiffs in Spl. Civil Suit No.
   649 of 1991, pending before the Civil Judge (SD),
   Ahmedabad (Rural) and original defendants in Spl. Civil

Suit No. 114 of 1983, which was decided by learned Civil Judge (SD), Ahmedabad (R) on 31st March, 1990.

2. This Appeal From Order is filed by the appellants - original plaintiffs in Spl. Civil Suit No. 649 of 1991 pending before the learned Civil Judge (SD), Ahmedabad (Rural), being aggrieved by the judgment and order passed by learned Civil Judge (SD), Ahmedabad (Rural), below Application Exh. 5 filed by the plaintiffs in Restoration Application No. 163 of 1991, for temporary injunction.

3. In this Appeal, both the parties have arrived at settlement and Consent Terms for the settlement, in original, is submitted on the record, which is taken on the record, and to be considered as a part and parcel of the record. The original Consent Terms placed on record is signed by appellant Ramakrishnan Baldev and learned Advocate Mr. K.V. Shelat, learned advocate for all the appellants has also signed the Consent Terms. On behalf of Respondent - Reliance Industries Ltd., Mr. Nilesh Baxi, General Manager (Legal) has signed the Consent Terms and learned Advocate Mr. H.J. Shah has also signed the Consent Terms with authority of the respondent.

4. Thus, by this Consent Terms, Spl. Civil Suit No. 649 of 1991 comes to an end. Para-4 of the Consent Terms specifically states that the decree passed against the present appellants - original debtor and firm Shree Santosh Textile in Spl.. Civil Suit No. 114 of 1983 is fully satisfied, as agreed in the Consent Terms..

5. In this view of the matter, the execution proceedings arising out of the decree passed in the Spl. Civil Suit No. 114 of 1983 which is Execution Petition No. 21 of 2000, comes to an end. With this Consent Terms, the dispute in both the above Spl. Civil Suits comes to an end.

6. The Consent Terms placed on record be construed as part and parcel of this order and the order in terms of the Consent Terms is passed accordingly in this Appeal. This also disposes of the Spl. Civil Suit No. 649 of 1991 pending before the learned Civil Judge (SD), Ahmedabad (Rural) as withdrawn.

7. Yadi be sent to the City Civil Court, Secunderabad, in Execution Petition No. 21 of 2000 arising from Spl. Civil Suit No. 114 of 1983 with a writ of intimation denoting that the decree passed in Spl

Civil Suit No.   114 of 1983 is fully satisfied and now the question of executing such decree does not arise and the Execution Petition No.   21 of 2000 comes to an end and along with the Yadi to the City Civil Court, Secunderabad, copy of Consent Terms and copy of this Order be also sent.

8. A Yadi also be sent to the Civil Judge (SD), Ahmedabad (Rural), with a writ of intimation that in view of the Consent Terms, the Spl. Civil Suit No. 649 of 1991 and Restoration Application No. 163 of 1991, both stand withdrawn by the Plaintiffs/applicants of the above said respective suit and application and along with the Yadi, a copy of this Consent Terms and copy of this Order be also sent to the learned Civil Judge (SD), Ahmedabad (Rural).

9. With the above said order, this Appeal From Order stands disposed of accordingly.

     (J.R. Vora, J.)

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